

1 Kenneth J. Ignozzi  
2 **DYER, GAROFALO, MANN & SCHULTZ, L.P.A.**  
3 131 North Ludlow Street,  
4 Suite 1400  
5 Dayton, OH 45402  
6 Telephone: 937-223-8888  
7 Facsimile: 937-226-9420  
8 Attorneys for Plaintiffs

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 IN RE: BEXTRA AND CELEBREX  
13 MARKETING SALES PRACTICES AND  
14 PRODUCT LIABILITY LITIGATION

Case No. : 05-4780 CRB

MDL NO. 1699

District Judge: Charles R. Breyer

15 Geraldine Aellig, as wrongful death Beneficiary  
16 of the Estate of Vernon K. Aellig, et al.,

Plaintiffs

17 vs.

**AMENDED STIPULATION AND  
ORDER OF DISMISSAL WITH  
PREJUDICE**

18 G.D. Searle, LLC., et al.,

19 Defendants.  
20

21 Come now the Plaintiffs Geraldine Aellig, as wrongful death Beneficiary of the Estate of  
22 Vernon K. Aellig, Heather D. Albright, Robert L. Bond, as wrongful death Beneficiary of the  
23 Estate of Katherine G. Bond, Deceased, Bernice S. Boone, Richard M. Brown, Monroe G.  
24 Combs, Nancy L. Danko, Sharon Farrey, as wrongful death Beneficiary of the Estate of Florida  
25 M. Farrey, Deceased, Carol J. Gleason, Margaret Hogston, as wrongful death Beneficiary of the  
26 Estate of Elden F. Hogston, Deceased, Jacqueline M. Keach, Rowe W. Maxwell, Sr., Frances M.  
27 Montford, Sonnie Smith, as wrongful death Beneficiary of the Estate of Terry D. Smith,  
28 Deceased, Mickey F. Thomas, and Lorena J. Webster, in the above-entitled action and

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**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**

EAST42595324.1

1 Defendants, by and through the undersigned attorneys, pursuant to Federal Rule of Civil  
2 Procedure, Rule 41(a), and hereby stipulate to the dismissal of this action **with prejudice** as to  
3 the plaintiffs named herein only with each side bearing its own attorneys' fees and costs.  
4

5  
6  
7 DATED: 11-16, 2009

By: 

8 **DYER, GAROFALO, MANN & SCHULTZ,**  
9 **L.P.A.**

10 131 North Ludlow Street,  
Suite 1400

11 Dayton, OH 45402

Telephone: 937-223-8888

Facsimile: 937-226-9420

12 *Attorneys for Plaintiffs*  
13

14 DATED: Dec. 16, 2009

By: 

15 **DLA PIPER LLP (US)**

16 1251 Avenue of the Americas

17 New York, New York 10020

Telephone: 212-335-4500

18 Facsimile: 212-335-4501

19 *Defendants' Liaison Counsel*  
20

21 **PURSUANT TO THE TERMS ~~SET FORTH~~ IN THE PARTIES' STIPULATION,**  
22 **IT IS SO ORDERED.**

23 Dated: JAN - 4 2010

  
24 Hon. Charles R. Breyer

25 United States District Court  
26  
27  
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